


EXHIBIT H



Search Laws

Article Content

Title;G

[Taiwan Code of Civil Procedure](#) (2003.06.25 Amended)  

PART I; @GENERAL PRINCIPLES

; @ CHAPTER IV; @LITIGATION PROCEEDINGS

; @; @; @Section 2; @Service of Process

- Article 123 Except as otherwise provided, service of process will be administered by the court clerk on his/her own authority.
- Article 124 Service of process shall be effectuated by an execution officer or post office delegated by the court clerk. In cases of service effectuated by a post office, the relevant postman shall be deemed the person who effects service.
- Article 125 A court may request the court at the place where service is to be effectuated to effect the service.
- Article 126 Service is deemed effectuated when the court clerk delivers the paper to be served to the person in the courthouse.
- Article 127 Service upon a person without the capacity to litigate shall be effectuated upon all of his/her statutory agents.
Where there are two or more statutory agents and the place where service shall be effectuated with regard to some of them is unknown, service may be effectuated upon the other statutory agents only.
- Article 128 Service upon a foreign juridical person or unincorporated association which has set up an office or a place of business in the R.O.C. shall be effectuated upon its representative or administrator in the R.O.C.
- Article 129 Service upon a soldier in the military or on a warship shall be effectuated by the competent military agency or officer requested to do so.
- Article 130 Service upon a prisoner shall be effectuated by the chief officer in charge of the prison to make the service requested to do so.
- Article 131 In an action regarding a business, service may be effectuated upon the manager.
- Article 132 Where there is no limitation on an advocate's authority to receive service, service shall be effectuated upon the advocate, except where the presiding judge may order the service to be effectuated upon the party represented when he/she considers it necessary to do so.
- Article 133 Where the party or his/her agent has appointed an agent of service and notice of such appointment has been given to the court in which the action is pending, service shall be effectuated upon the agent of service.
- Article 134 Except as otherwise notified by the party or the agent, where an agent of service has been appointed and such appointment has been notified to the court, such appointment shall take effect with regard to the courts of all instances within the same geographic boundaries.
- Article 135 Except as otherwise provided, service shall be made by delivering a written copy or photocopy of the paper purported to be served.

- Article 136 Service shall be effectuated in the domicile or residence, office or place of business of the person to be served; but service may also be effectuated at the place where the person to be served is found. In cases where the place to which the service should be effectuated under the preceding paragraph is unknown or where service cannot be effectuated therein, service may be effectuated at the employment place of the person to be served. ;@The same shall apply to cases where the person to be served has notified the court that service may be effectuated at his/her employment place. Service upon a statutory agent may also be made in the office or place of business of the party.
- Article 137 When the person to be served cannot be found in his/her domicile/residence, office, or place of business, service may be effectuated by leaving the paper with his/her housemate or employee of suitable age and discretion. The provision of the preceding paragraph does not apply to cases where the housemate or employee is the opposing party.
- Article 138 Where service cannot be effectuated in accordance with the provisions of the two preceding Articles, it may be effectuated by depositing the paper with the autonomous agency or police department at the place where the service shall be effectuated. ;@In such cases, two copies of notice of service shall be made with one copy posted on the front gate of the domicile or residence, office, place of business, or employment place of the person to be served and the other copy placed in the mailbox or any other appropriate location of the place of service. Service by deposit shall take effect ten days from the day of the deposit. The depository agency shall keep the deposited paper for two months from the day of deposit.
- Article 139 Where the person to be served refuses to receive service without legal grounds, service will be effectuated by leaving the paper at the place of service. When there exist circumstances under which service cannot be effectuated by leaving the paper in accordance with the provision of the preceding paragraph, the provision of the preceding Article shall apply mutatis mutandis.
- Article 140 Unless effectuated by a postmen in accordance with the provision of the second paragraph of Article 124, no service will, without the permission of the presiding judge, the commissioned judge, the assigned judge, or a judge sitting in the district court at the place of service, be effectuated on Sunday or other holidays, neither before sunrise nor after sunset, except where the person to be served upon does not refuse to receive service. The court clerk shall indicate in the paper served the permission provided in the preceding paragraph.
- Article 141 The person effecting service shall make a service report, indicating the following matters and signing thereon:
1. The court ordering service;
 2. The person to be served;
 3. The paper to be served;
 4. The place, hour, and date of service; and
 5. The means of service.
- The service report shall be signed, or impressed by seal or fingerprints of the person receiving service. ;@If he/she refuses or is unable to do so, the person effecting service shall make a note of this fact. Where the person receiving service is not the person to be served himself/herself, the person effecting service shall make a note of such person's name. The service report shall be submitted to the court and included in the dossier.
- Article 142 When service cannot be effectuated, the person attempting to effect service shall make a report indicating the fact, submit the same to the court to include it in the dossier, and return the paper to be served. The court clerk shall notify the fact that service cannot be effectuated and the reason therefor to the party for whose purpose the service was attempted.
- Article 143 Where service is effectuated in accordance with the provision of Article 126, the person receiving service shall be ordered to provide a receipt to be included in the dossier.
- Article 144 Where service is to be effectuated in the domicile or residence or office of a person who enjoys immunity, the Ministry of Foreign Affairs may be requested to effect service.

- Article 145 Where service is to be made in a foreign country, it shall be effectuated by the competent authorities of such country requested to do so, or the relevant R.O.C. ambassador/minister envoy/consul, or other authorized institutes or organizations in that country.
Where service cannot be effectuated in accordance with the provision of the preceding paragraph, it may be effectuated by dispatching the paper to be served with by registered and receipt requested mail. The returning receipt requested of such mail shall be included in the dossier.
- Article 146 Service upon an R.O.C. ambassador/minister envoy/consul, or any other staff stationed in a foreign country shall be effectuated by the Ministry of Foreign Affairs requested to do so.
- Article 147 (Repealed.)
- Article 148 After the requested authorities or public servants notify that service has been or cannot be effectuated, the court clerk shall include such notice in the dossier; in cases where service cannot be effectuated, the court clerk shall also notify the fact and the reason therefor to the party for whose purpose service was attempted.
- Article 149 The court in which the action is pending may, on motion, permit service upon a party to be effectuated by constructive notice in the following circumstances:
1. Where the place where service shall be made is unknown;
2. Where service effectuated in the domicile or residence or office of a person who enjoys immunity is ineffective;
3. Where service which should be effectuated in a foreign country cannot be effectuated in accordance with the provision of Article 145, or it is foreseeable to be futile even if it has been so effectuated.
An interlocutory appeal may be taken from a ruling denying the motion provided in the preceding paragraph.
When no person moves for service by constructive notice in the cases prescribed in the first paragraph, the court in which the action is pending may on its own initiative order service to be effectuated by constructive notice if it considers it necessary to do so for avoidance of delay.
Where the plaintiff or the defendant who has been served previously fails to notify the court in which the action is pending of the change of the place where he/she can be served and such failure results in the situation provided in the first subparagraph of the first paragraph, the court may, on its own initiative, order service to be effectuated by constructive notice.
- Article 150 Where service has been effectuated by constructive notice in accordance with the provision of the preceding Article, the court may, on its own initiative, continue to effectuate service with regard to the same party by constructive notice.
- Article 151 In the case of service by constructive notice, the paper to be served shall be kept in the court clerk's custody and a notice shall be posted on the court's bulletin board, indicating that the person to be served shall collect the paper from the court clerk at any time. Notwithstanding, where the paper to be served is a summons, the summons shall be posted on the bulletin board.
Apart from the requirement provided in the preceding paragraph, the court shall order a written copy, photocopy, or excerpted copy of the paper to be published in official gazettes or newspapers, or to make notification or publication of it by other means.
- Article 152 Service by constructive notice shall take effect twenty days after the date of posting the notice or summons on the court's bulletin board, and in case of publication in an official gazette or newspaper, from the last day of such publication. Where service should be effectuated in a foreign country by constructive notice, such service shall take effect sixty days thereafter. Notwithstanding, service effectuated by constructive notice in accordance with the provision of Article 150 shall take effect the day after the date on which the notice is posted on the court's bulletin board.
- Article 153 When service by constructive notice is effectuated, the court clerk shall make a report, indicating the fact and date, and include it in the record.
- Article 153-1 Any litigation paper may be transmitted by telefax or by any other technological device, and such transmission shall have the same effect as service in the case of any of the following:
1. The person to be served notifies the court that he/she has received the paper;
2. A person interested in the action moves for transmission of a specific litigation paper.
The Judicial Yuan shall prescribe rules governing the transmission provided in the preceding paragraph.

